



## CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES  
Wednesday, August 27, 2008

**2008-0757:** Application for a Use Permit to allow an approximately 9' tall fence in the reducible front yard. The property is located at **1627 Edmonton Avenue** (near Helena Dr.) in an R-1/S (Low Density Residential/Single Story) Zoning District. (APN: 320-15-007) RZ

In attendance: Jeff Lille, Applicant; Gerri Caruso, Administrative Hearing Officer; Rosemarie Zulueta, Project Planner; Luis Uribe, Staff Office Assistant.

**Ms. Gerri Caruso**, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

**Rosemarie Zulueta**, Project Planner, stated that the applicant proposes to construct a new 8' tall fence, as measured from the top of the nearest public curb, in the reducible front yard along the east property line fronting Edmonton Avenue. The existing fence is 8' tall and is set back 5' from the back edge of the sidewalk on the east side of the house, and 23'-3" from the back edge of the sidewalk at the front of the home. There is also an existing 2' tall retaining wall in the front yard. The applicant proposes to extend the fence closer to the sidewalk for privacy, security and to gain additional usable open space. The proposed fence would be comprised of approximately 6' of wood on top of a 2' tall retaining wall for a total fence structure height of 8'.

A Use permit is required for fences in the reducible front yard that exceed 7' in height. The height of fences in the reducible front yard is measured from the nearest public curb. Although the portion of the fence at the front of the home will also be relocated, it will not be within the required front yard setback. Ms. Zulueta noted that she spoke to a neighbor who had some questions but is in support of the project. She also stated that the applicant came up with two alternative designs for the project. Ms. Caruso asked for verification regarding the second alternative, stating that a 2' retaining wall will be placed 6" from the sidewalk with the fence being 2' 5" back from the retaining wall. The fence height will be 8' with 6' of fence on the inside.

**Ms. Caruso opened the public hearing.**

**Jeff Lillie**, Applicant, received and reviewed a copy of the staff report. The applicant stated that his first choice would be the original design that is included in the staff report. He showed some pictures of similar fences in his neighborhood. Mr. Lillie stated that all the requirements have been met in terms of visibility. He also stated that the only exception that he is seeking is to minimize the setback of the fence behind the retaining wall.

**Ms. Caruso closed the public hearing.**

Ms. Caruso stated that the second proposal addressed all concerns and that it achieves consistency with the neighborhood.

**Ms. Caruso approved the second proposal. The proposed fence structure shall not exceed a total of 8' in height as measured from the top of the nearest curb (2' tall retaining wall with 6' wood fence, or variation thereof). The wooden fence portion shall be set back 2'-6" minimum from the back edge of the sidewalk. Trees, bushes, flowers, vines, or other landscaping shall be planted and maintained in the planting area between the wooden fence portion and the retaining wall.**

**Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.**

The meeting was adjourned at 2:31 p.m.

Minutes approved by:

**Gerri Caruso**

Principal Planner